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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 09/803,791 | 03/12/2001 | Michiko Mizoguchi | FUJI 18.437 | 7217 |
| 26304 | 7590 | 09/07/2004 | EXAMINER | |
| KATTEN MUCHIN ZAVIS ROSENMAN | | | HOM, SHICK C | |
| 575 MADISON AVENUE | | | ART UNIT | |
| NEW YORK, NY 10022-2585 | | | PAPER NUMBER | |
| | | | 2666 | |

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,791

Applicant(s)

MIZOGUCHI, MICHIKO

Examiner

Shick C Hom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim 11 is objected to because of the following informalities: In claim 11 line 1, "The image transmission apparatus" seem to refer back to "The image transmission system" recited in claim 11 line 1. If this is true, it is suggested changing "The image transmission apparatus" to ---The image transmission system---. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 line 11 which recite "an image type" and claim 1 lines 14-15 which recite "the image type" are not clear how the

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image type is related to the plurality of image types recited in claim 1 line 5; further it is not clear as to whether they're reciting ---one of said plurality of image types--- and ---said one of said plurality of image types---, respectively.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2, 3, 6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ash et al. (6,590,867).

Regarding claim 2:

Ash et al. disclose the method of transmitting image data through a network (see col. 2 lines 34-48 which recite means for transmitting video and image data through the network) including a router to a plurality of terminals (see col. 3 lines 21-35 which recite the router and node-pair clearly anticipate the router and terminals), said method comprising the steps of:

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adding screening information to the image data; transmitting the image data to the network; receiving the image data from the network by the router; selecting the image data including the screening information corresponding to a network environment of each transmission path by the router; and transmitting the image data selected by the router to the plurality of terminals through said each transmission path (see col. 1 line 60 to col. 2 line 16 which recite determining the class of service of the call and then selecting the path for that call and routing the packet over the link if the links possess the requisite bandwidth wherein packets are treated according to their class-of-service clearly reads on adding screening-information used for selecting data for each transmission path to the image data as now claimed).

Regarding claim 3:

Ash et al. disclose the image transmission apparatus transmitting image data through a network (see col. 2 lines 34-48 which recite means for transmitting video and image data through the network) including a router to a plurality of terminals (see col. 3 lines 21-35 which recite the router and node-pair clearly anticipate the router and terminals), said image transmission apparatus comprising a screening-information adding unit adding screening information that is a standard of

selecting the image data for each transmission path at the router, to the image data, and then transmitting the image data to the network (see col. 1 line 60 to col. 2 line 16 which recite determining the class of service of the call and then selecting the path for that call and routing the packet over the link if the links possess the requisite bandwidth wherein packets are treated according to their class-of-service clearly reads on adding screening-information used for selecting data for each transmission path to the image data as now claimed).
Regarding claim 6:

Ash et al. disclose the routing apparatus receiving image data from an image transmission apparatus through a network, and transmitting the image data to a plurality of terminals (see col. 2 lines 34-48 which recite means for transmitting video and image data through the network), said routing apparatus comprising a selecting and transmitting unit selecting the image data including screening information corresponding to a network environment of each transmission path, and transmitting selected image data to the plurality of terminals through said each transmission path (see col. 1 line 60 to col. 2 line 16 which recite determining the class of service of the call and then selecting the path for that call and routing the packet over the link if the links possess the requisite bandwidth clearly reads

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on the screening-information corresponding to a network environment of each transmission path used for selecting data for each transmission path as now claimed).

Regarding claim 9:

Ash et al. disclose the image transmission system (see col. 2 lines 34-48 which recite means for transmitting video and image data through the network) comprising: an image transmission apparatus adding screening information to image data (see col. 1 line 60 to col. 2 line 16 which recite packets being treated according to their class-of-service which clearly reads on the added screening-information), and transmitting the image data to a network; a routing apparatus receiving the image data from the network, selecting the image data including the screening information corresponding to a network environment of each transmission path, and transmitting selected image data to each transmission path; and a plurality of terminals, each receiving the image data selected by said routing apparatus through a corresponding transmission path (see col. 1 line 60 to col. 2 line 16 which recite determining the class of service of the call and then selecting the path for that call and routing the packet over the link if the links possess the requisite bandwidth clearly reads on adding screening-information used for

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selecting data for each transmission path to the image data as now claimed).

Allowable Subject Matter

6. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 4-5, 7-8, and 10-11 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yen et al. disclose an information retrieval system using an Internet multiplexer to focus user selection.

Hara et al. disclose communication path control device, communication path control method, and communication path control unit.

Garson et al. disclose an interface enabling voice messaging systems to interact with communications networks.

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Ukita et al. disclose system for sending, converting, and adding advertisements to electronic messages sent across a network.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SH

A handwritten signature in cursive script, appearing to read 'Danton', written in black ink.

DANTON
PRIMARY EXAMINER